



Indiana Eviction Task Force

Interim Report

October 18, 2021

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Report

Overview

On September 13, 2021, the Indiana Supreme Court [established the Indiana Eviction Task Force](#) to make recommendations regarding a state-wide pre-eviction diversion program and effective distribution of emergency rental assistance to landlords and tenants.

The members appointed to the task force include:

Hon. Robert R. Altice, Jr., Judge, Indiana Court of Appeals, Task Force Chair

Hon. Jennifer DeGroote, Allen Superior Court

Hon. Kimberly Bacon, Marion County Small Claims Court - Lawrence Township

Mag. Kathleen Belzeski, Lake Superior Court – County Division Two

Brandon Beeler, Indiana Legal Services, Inc.

Christine Hayes Hickey, Rubin & Levin

Jacob Sipes, Indiana Housing and Community Development Authority

Patrick Price, Office of Management and Budget

Brian Spaulding, Indiana Apartment Association

The task force acknowledges the time and contributions of several Office of Judicial Administration staff for providing ongoing support and expertise: Mary DePrez, Janelle O'Malley, Kathryn Dolan, Michelle Goodman, and the Office of Communication, Education, and Outreach team.

Meeting Summary

Between September 13th and the submission of this report, the task force met four times to discuss implementing a state-wide pre-eviction diversion program and to review current activities related to the operation of emergency rental assistance in Indiana. In addition, the task force leveraged previous discussions, involving several task force members, that occurred between July and early September exploring what other states are doing related to eviction diversion programs and which strategies could help Indiana.

Members reviewed materials from both Michigan and Texas describing their eviction diversion programs and received a presentation from the Texas State Court Administrator.

- Key features of the Michigan approach include state guidelines for conducting pretrial hearings (advising of right to counsel, where to obtain counsel, availability of emergency rental assistance and community dispute resolution resources), the program is voluntary and referrals are given to parties by the court for services described in the advisement, and allows for conditional dismissal and reinstatement of cases if default on the agreement.
- Key features of the Texas approach include requiring statement/notices with the filing of the case, court required to advise parties of diversion program and availability of emergency rental assistance, parties who agree to participate in the diversion program will have a confidential case and the eviction hearing is set out for 60 days; and the case will be dismissed if not reinstated by parties for violation of the agreement.

The task force also sought information from Indiana's emergency rental assistance programs through informal dialogue with task force members and a questionnaire seeking basic information from each program. The task force is grateful for the willingness of the programs' points of contact to provide this much-needed information.

Topics discussed by the task force include:

- Communication and outreach strategies
- Emergency rental assistance information and program criteria
- Emergency rental assistance application processes and procedures, including identifying wait times and bottlenecks in the process
- Court filings and procedures

Information on Emergency Rental Assistance Programs

The 2021 Consolidated Appropriations Act provided Indiana with [Emergency Rental Assistance Funds \(ERA\) through the U.S. Department of Treasury](#), also referred to as [ERA1 funds](#) which are available for distribution through September 30, 2022. The American Rescue Plan Act of 2021 provided Indiana with what is referred to as [ERA2 funds](#) which are available for distribution through September 30, 2025.

The U.S. Department of Treasury outlines the general eligibility criteria for ERA1 and ERA2 funds as follows:

To be eligible, a household must be obligated to pay rent on a residential dwelling and the grantee must determine that:

- i. for ERA1:
 - a. one or more individuals within the household has qualified for unemployment benefits or experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 outbreak;
 - b. one or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability; and
 - c. the household has a household income at or below 80 percent of area median income.
- ii. for ERA2:
 - a. one or more individuals within the household has qualified for unemployment benefits or experienced a reduction in household income, incurred significant costs, or experienced other financial hardship during or due, directly or indirectly, to the coronavirus pandemic;
 - b. one or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability; and
 - c. the household is a low-income family (as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))).

See FAQ 1, [U.S. Department of Treasury Emergency Rental Assistance Frequently Asked Questions, Revised August 25, 2021](#); last visited October 11, 2021.

In addition, rental assistance can be provided for up to 12 months, with up to an additional three months, if funding is available and the additional amount is necessary to ensure housing stability, however no household can receive more than 18 months of rental assistance. See FAQ10, [U.S. Department of Treasury Emergency Rental Assistance Frequently Asked Questions, Revised August 25, 2021](#); last visited October 11, 2021.

Indiana started with seven ERA programs. These programs included: City of Fort Wayne, Elkhart County, Hamilton County, Lake County, Marion County, St. Joseph County, and the Indiana Housing & Community Development Authority (IHCDA). These programs serve qualified households based on the location of the residence. All program information and applications are on-line. Elkhart County's program closed on September 30, 2021, and now qualified households from this area apply to the IHCDA program, leaving Indiana with six active ERA programs.

The following is a snapshot of the information received from each program between September 22nd and September 27th:

	IHCDA	City of Fort Wayne	Elkhart County	Hamilton County	Lake County	Marion County	St. Joseph County
Total ERA1 funds awarded by U.S. Treasury	\$334,787,853 available for client benefits	\$8,096,205.50	\$6,178,131.60	\$10.1M	\$14,500,000	\$28.8 M	\$8,138,842
Total Distributions (paid and obligated funds) to date of ERA1	\$108,379,000	\$8,096,205.50	\$1,836,000 (does not include obligated funds)	\$6.6M	\$13,000,000	\$27.4 M	\$5,848,439
Number of households receiving rental assistance to date from ERA1 funds	10,293	2236	363	1100	1473	10,827	1384
Total applications received under ERA1 program	36,024	4,084	779	1968	3818	18,247	2865
Total applications approved (including paid and obligated funding) under ERA1 program	10,293	2,352	363	1338	2491	10,827	1384
Total applications still under review for ERA1 funds	4,808	679	84	125	427	1,782	270
Total ERA2 funds from U.S. Treasury	\$247,992,268 available for client benefits	\$6,406,148.50	None	\$7.9M	\$4,600,765.20	\$33.5 M	\$6,439,884.80
Have you started ERA2 distributions	No	Yes	N/A	Yes	No	No	Yes

IHCDA [publishes weekly rental assistance progress reports](#) concerning IERA households served, funds spent, and dollars obligated throughout Indiana. In addition to the above information, IHCDA also approved a sub-grant award to Marion County on August 18,

2021, for \$91,454,708 million so the Indy Rent Program could fund up to 12 months of assistance instead of only three months of assistance to qualified households. Also on September 23, 2021, IHCD awarded sub-grant requests to the City of Fort Wayne in the amount of \$6,600,000, Lake County in the amount of \$19,000,000, and St. Joseph County in the amount of \$3,300,000 to continue assistance in those communities.

IHCD implemented a new program portal on October 1, 2021, allowing either landlords or tenants to commence the application process and providing a dashboard to give landlords real time information on the application status for their tenants. While information and cooperation from landlords and tenants is critical to efficiently complete the application process, if a landlord refuses to participate in the ERA program, federal guidance allows each program to make the payment to the tenant directly subject to local program rules.

Although each program in Indiana has its own application process and allocation of funding which leads to some inefficiencies and confusion among those seeking assistance, the task force recognizes that seeking substantial changes to the availability of current ERA programs would negatively impact those living in areas with an effective program in place (e.g., City of Fort Wayne) or where the local program provides a higher level of funding based on local average market rates compared to other programs in the state (e.g. Lake County).

Each program is still required to adhere to [guidance from the U.S. Department of Treasury](#) on implementing ERA program distributions, and this guidance has continued to evolve since the initial distribution of ERA1 funding. This evolution requires all ERA programs in Indiana to be nimble and adapt. IHCD and local ERA programs' points of contact have maintained informal communications to stay apprised of program information and changes.

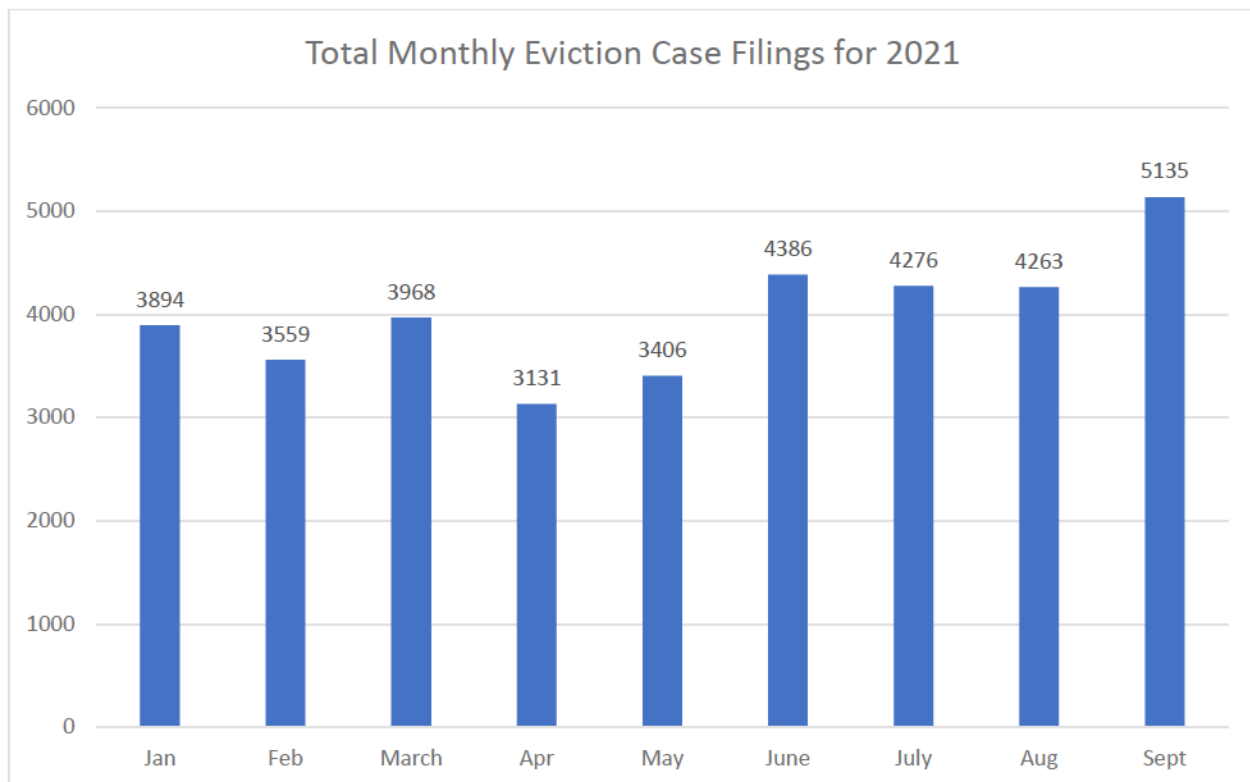
Due to the changing guidance on the required documentation to demonstrate program eligibility, individuals who were previously denied should reach out to the appropriate ERA provider to reapply or appeal the denial if they are otherwise qualified to receive assistance. In addition, as household circumstances change over the course of this pandemic, previously ineligible households may now be eligible for assistance. These evolving situations emphasize the importance of continuous outreach to, and education of, landlords and tenants on ERA program enhancements and updates.

Information on Eviction Case Filings

During the pandemic, various moratoria have been in place and either expired or been vacated, each with its own qualifying criteria. Regardless of these restrictions, the courts have continued to be open and receive new case filings, including eviction cases. Prior to January 2021, the majority of eviction cases were filed in the general small claims case category, which includes evictions, contract disputes, debt collections, and other items under a certain monetary claim value. This prevents the task force from comparing information from prior years related to eviction cases. On January 1, 2021, the EV case type was implemented to aid in collecting data specifically for eviction cases going forward. This new case type counts both residential and commercial eviction matters. When a plaintiff files an EV case, they must select whether to file the EV case on the court's civil docket or small claims docket.

The data available on EV cases for courts using the Odyssey case management system is as follows:

- January 1 through June 30, 2021, there were a total of 22,344 eviction cases filed (1,011 evictions filed as part of the civil docket and 21,333 evictions filed as part of the small claims docket). This is an average of 3,724 cases per month.
- July 1 through July 31, 2021 (one month period), there were a total of 4,276 eviction cases filed (167 evictions filed as part of the civil docket and 4,109 evictions filed as part of the small claims docket).
- August 1 through August 31, 2021 (one month period), there were a total of 4,263 eviction cases filed (191 evictions filed as part of the civil docket and 4,072 evictions filed as part of the small claims docket).
- September 1 through September 30, 2021 (one month period), there were a total of 5,135 eviction cases filed (169 evictions filed as part of the civil docket and 4,966 evictions filed as part of the small claims docket).



Based on total case filings between January 1 and September 30, 2021, the top ten counties, in ranked order, with eviction cases are:

- | | |
|----------------|---------------|
| 1. Marion | 6. St. Joseph |
| 2. Lake | 7. Elkhart |
| 3. Allen | 8. Madison |
| 4. Vanderburgh | 9. Clark |
| 5. Tippecanoe | 10. Johnson |

Challenges exist for courts handling eviction cases when parties are not fully aware of the available ERA resources, when parties fail to appear for court, and the lack of timely status updates on pending rental assistance applications. A party's failure to appear in court limits the ability to communicate the availability of ERA funds and settlement conference opportunities.

Overview of Outreach

During this work, efforts to reach those who need help with housing resources have increased. In addition to outreach conducted by the ERA programs or prior outreach

through the courts, the Office of Judicial Administration (OJA) has taken the following additional steps:

- Launched the courts.in.gov/housing web page providing a single location to find links to all the current ERA programs, information for the free Landlord Tenant Settlement Conference Program (a.k.a. Fast Track Facilitation), and resources for legal assistance, with over 9,700 visits since the web page launched through October 12, 2021;
- Sending postcards to all unrepresented parties in eviction cases and emails to all attorneys in eviction cases with the courts.in.gov/housing web page, resulting in 7,937 postcards and 4,914 emails being sent between August 27, 2021, and October 13, 2021; and



**need money
for rent?**

**You have an eviction case
that was filed recently.**

Whether you are a tenant or a
landlord, you can find resources at:

courts.in.gov/housing

Options for help include:

- Apply for rental assistance**
money to help pay past due
and upcoming rent
- Ask for fast-track
facilitation**
someone to help you work
out an agreement together

- Posted an updated public service announcement via Twitter to direct those in need to the courts.in.gov/housing web page.

OJA plans to work with a communication firm to further enhance outreach to those in need even before an eviction case is filed. The task force will also continue to explore opportunities to educate stakeholders and engage them in providing information and assistance to those navigating the ERA programs.

Interim Recommendations

The task force makes the following interim recommendations for key stakeholder groups. Where appropriate, the task force created materials, located in the appendix, to assist with implementing these recommendations.

Emergency Rental Assistance Programs

Maintaining the current six programs for emergency rental assistance will continue to afford those larger jurisdictions the ability to be more responsive to local communities, enhance outreach, and provide the level of assistance appropriate to landlords and tenants in their area consistent with the guidelines from the U.S. Department of Treasury. Each program should undertake the following key steps to increase efficiency in distributing these much-needed funds:

- Continue to update web pages, information sheets, and resources as program components change and communicate program updates in a timely fashion
- Continue to adapt to new guidance from U.S. Treasury (e.g., the implementation of proxy documents (determination letters from HIP, SNAP, TANF, etc.) to support income qualifications, use of self-attestation, etc.) and changes to U.S. Department of Housing and Urban Development (HUD) publications on maximum rental assistance amounts
- Review the application process from the point of view of both landlords and tenants and implement strategies to make it easier for applicants to complete the full process, including addressing technology barriers for applicants
- Allow landlords to apply for rental assistance on behalf of tenants and obtain their consent
- Review the workflow associated with processing applications to identify opportunities to improve the timely distribution of funds
- Address staffing needs to help with processing times and aiding applicants in completing the process
- Programs should provide regular updates on their program and data available on program outcomes in a report consistent with IHCD reporting

A review of processes and procedures from all perspectives and making positive adjustments will result in more efficient processing of applications and

disbursements. Timely distribution of rental assistance is beneficial for both landlords and tenants by decreasing the need for eviction filings for non-payment of rent and may allow for pending eviction cases to be dismissed without further action by a court.

Courts

As mentioned in the order creating this task force, courts are on “the front lines of providing parties a fair chance to resolve their disputes and the last line of defense in getting resources ... to the people who need them.” This is a unique responsibility and warrants the following action steps by all courts hearing eviction cases:

- Provide information regarding rental assistance programs and the Landlord Tenant Settlement Conference Program via web page links to courts.in.gov/housing, in court and clerk offices, and with other self-help resources
- The task force recommends the Supreme Court implement a state level pre-eviction diversion program with the following features:
 - A mandatory advisement in all residential eviction cases, which would occur at the first hearing in a new eviction case, or at the next scheduled hearing in pending cases after the state program is made effective.
 - The mandatory advisement should explain the value received by both the landlord and tenant for agreeing to participate in the pre-eviction diversion program.

Benefits of participation include:

- Rental assistance – covers some or all back rent for eligible tenants
 - Tenants ultimately owe less money
 - Landlords receive funds owed
- Settlement conferences – free conference with landlord, tenants, and a neutral facilitator to discuss the situation; more information at: courts.in.gov/facilitate
 - Allows both landlords and tenants time to discuss the situation

- Allows a neutral facilitator to help ensure everyone can discuss and explore solutions that work for both the landlord and tenants
 - If no agreements are reached, the court is still available to hear the case
- Participating in the pre-eviction diversion program allows for parties to work together with limited case management by the court while keeping the case on the docket for future hearings, if needed
- By agreeing to participate in the pre-eviction diversion program,
 - the eviction case will be marked confidential and successful completion of pre-eviction diversion program maintains the case confidentiality to prevent this matter from negatively impacting tenants in securing future housing
 - parties have access to a free settlement conference program and time to secure rental assistance before a decision is made by the court
 - the eviction case stays on the court docket with benchmarks to monitor progress of parties, and
 - any alleged violations of the pre-eviction diversion agreement can be heard by the court at the next scheduled hearing and the finding of a violation by the tenant will remove the confidential status of the case.
- Courts shall collect parties' cell phone numbers, if available, to implement the court reminder text messaging features in addition to any official notices provided by the court for future hearings. Since the case will be marked confidential, it will no longer be available on mycase or public court calendar features.
- Train court staff and clerks on the program to ensure they provide litigants with case information (as the case no longer appears on mycase) and are entering proper flags and events related to the program status in the case in Odyssey.

- Courts not using Odyssey will also follow these same steps within their current case management system.

The availability of rental assistance is for the benefit of both landlords and tenants. Both parties should be fully aware of this resource and the collateral consequences associated with not seeking out this resource (e.g., impact on landlord's ability to collect outstanding debt, impact on tenant to maintain stable housing, etc.).

Local Communities

Each local community has a variety of unique resources. To better align and leverage these resources, local communities should:

- Collaborate with the legal community to increase access to legal services for unrepresented landlords and tenants
- Connect landlords and tenants with assistance from community partners or charitable organizations to help with completing ERA applications, accessing other supportive services (including the Landlord Tenant Settlement Conference Program), or local rental assistance options
- Explore the use of navigators to help connect landlords and tenants with the available resources in advance of filing a case or in advance of court hearings ordering an eviction

Examples of these collaborative efforts include:

- Allen County – Allen County Superior Court continues to educate the public with updated Public Service Announcements, and coordinates court procedures with the judicial officers hearing eviction cases. The ERA program conducts direct outreach to those in need by having representatives available at court on days eviction hearings are held. These representatives include an attorney from Indiana legal Services, the Emergency Rental Assistance program manager for the City of Fort Wayne, and a family case manager from Just Neighbors (which works with churches, volunteers, and local nonprofit agencies to provide shelter and support for families at risk of homelessness).
- Lake County – A county information sheet is available listing local community organizations who can help with ERA application and access to

other needed resources; these organizations promote the ERA program. The information sheet is available in the Clerk's Office, on the County web page, and at local libraries, stores, etc. Lake County Superior Court County Division Two also provides this sheet to parties in court and regularly communicates with the Lake County Community Economic Development Department and Geminus Corporation (the local ERA provider) to help parties with current eviction cases. There are also plans underway to implement a media/social media campaign.

- Marion County – Members of the Paralegal Section of the Indianapolis Bar Association volunteered to work at local small claims courts to help individuals with ERA applications and information. City of Indianapolis has launched a Tenant Advocate Program (TAP) to provide unrepresented litigants in small claims courts access to attorneys. IndyRent is expanding staff to allow for direct assistance from ERA program staff to litigants in eviction matters. Indiana University McKinney School of Law clinic students also provide legal representation.
- The Indiana Apartment Association surveyed their membership between April 2020 and April 2021 to understand more about the impacts of the pandemic with these properties, including gathering information on the use of late fee waivers, use of payment plans, and deferring rent. The responses received represented over 100,000 units and almost the same properties in each month surveyed. The results of the survey showed:
 - Since the pandemic began, the majority of multifamily properties have been accepting payment plans and waiving late fees to aid and accommodate residents' financial situations. Many property owners also offered residents the ability to defer their rent obligations. Examples include:
 - April 2020: 92% waiving late fees, 55% accepting payment plans, and 23% deferring rent
 - October 2020: 9% waiving late fees, 97% accepting payment plans, and 17% deferring rent
 - April 2021: 100% waiving late fees

- Multifamily property owners have worked diligently with their residents to help them apply for rental assistance. This includes offering additional office hours where residents could come in for help with the rental assistance application.
- Many multifamily properties offered additional incentives to residents who applied for rental assistance (gift cards, restaurant cards, etc.), even if they did not ultimately qualify or receive an award.
- State level -
 - IHCDCA engaged Indiana 211 to assist households who were unable to access the application or uncomfortable with technology in the completion and submission of their IERA applications.
 - IHCDCA has engaged in a robust outreach effort including informational meetings, virtual and in person, for associations, organizations, and coalitions geared toward spreading information about the Indiana Emergency Rental Assistance effort. IHCDCA has engaged landlords, utilities, educational groups, faith-based organizations, real estate professionals, and not-for profits across Indiana in the outreach effort and provided tools and information to assist each group. IHCDCA has hosted over 40 events with an additional seven events planned in October.
 - In January 2021, IHCDCA began hosting and continues to host organizational meetings for all municipal ERA program directors and staff to facilitate the exchange of information, strategies, and best practices for implementation and maintenance of ERA programs.
 - IHCDCA has worked directly with the Indiana Apartment Association to facilitate the creation of the vendor portal which allows landlords and utilities to verify the submission of tenant applications and monitor payment status.
 - IHCDCA has worked directly with the Indiana Apartment Association and its membership to facilitate the submission of landlord-initiated applications.

Building these collaborative efforts today can lay a solid foundation for continuing to connect those in need with available resources now and in the future.

Future Tasks

The task force will address the following items in a final report:

- Provide updated information on Indiana's ERA programs and court case filings
- Make recommendations on improving practices, processes, and outreach strategies
- Provide information on the use of the state pre-eviction diversion program outlined above
- Make recommendations on best practices for a future pre-eviction diversion program

Appendices

Pre-Eviction Diversion Program Overview

The Pre-eviction Diversion Program helps resolve residential eviction cases by informing landlords and tenants of available resources and providing settlement opportunities. This overview provides the details and requirements of the Program.

Eligible cases:

- All residential eviction cases (filing can be under SC, PL, or EV case types) involving a claim for non-payment of rent can participate in seeking emergency rental assistance.
- All residential eviction cases are eligible to participate in the settlement conference program.

Program advisements:

Courts in eligible cases shall advise the parties on the record of the following:

1. The availability of the emergency rental assistance funding program, the emergency rental assistance provider for their community, and the benefits of participating in the emergency rental assistance program.
2. The availability of the free settlement conference program.
3. The availability for legal help/assistance (i.e., [Indiana Legal Services](#), [Indiana Legal Help](#), other local legal service agencies, pro bono resources, etc.).

Courts shall also inquire if the parties have:

1. sought emergency rental assistance and the status of the application
2. participated in a settlement conference program

Program Requirements (if both parties agree to proceed with one or both options):

If both parties agree to participate in one or both programs, subject to each program's qualifications, the case becomes part of the Pre-eviction Diversion Program. As a part of the program, the court shall:

1. continue the hearing on the claim(s) for 90 days¹ to allow for parties to access these services,
2. set status conferences for 30 days out and 60 days out to monitor the parties' progress within these programs and provide the parties with a completed case management order,
3. mark the case as confidential until the court issues an order finding, after a hearing, that the tenant violated the diversion agreement, or is no longer actively meeting the case management steps ordered by the court, and
4. if the court determines that a party is no longer actively meeting the case management steps, the court, in its discretion, may convert the next status conference for that case to the hearing on the claim(s) or schedule a new court date.

If the parties resolve their dispute with emergency rental assistance or settlement conference participation, the case can either be dismissed, or the parties can file a diversion agreement, an agreed entry, or an agreed judgment.

¹ The court retains its discretion to grant continuances of status conferences or hearings in this program in the same manner as in any other court proceeding.

Pre-eviction Diversion Program Advisement and Dialogue

1. Emergency rental assistance is available to assist with nonpayment of rent and participation in the rental assistance program can be helpful to both landlords and tenants.
2. The emergency rental assistance program for this area is: (insert name program here).

[Ask if the parties have applied for rental assistance with this program. If yes, inquire as to the status of the application then continue below with item 6. If no, then continue with item 3.]

3. There are certain eligibility requirements, including that the tenant's household income is at or below 80% Area Median Income or household income meets the HUD definition of a low-income household. The (insert name program here) will determine eligibility for assistance. To make this determination, both landlords and tenants need to complete portions of the program application.
4. If you are eligible for emergency rental assistance, the funds can help the landlord receive past due rent, future rent, or reduce your outstanding balance owed, and may resolve your dispute with your landlord. Utility assistance may be available in some programs.
5. If you are not eligible, there may be other community resources for rental assistance that can help both parties and possibly resolve this dispute.
6. Active participation in the Pre-eviction Diversion Program will result in this case being marked confidential. When a case is marked confidential, it is no longer available on mycase.in.gov. The case may remain confidential during and after the program as long as there are no defaults by the tenant.
7. If you both agree to work together to seek rental assistance, then this case can be rescheduled to allow you to complete the application process and receive a determination of eligibility. The case management order will have your court dates listed and having your cell phone number in the court file can allow for text message reminders of these dates.

[Ask each party if they agree to participate in the rental assistance program. If both agree to the program, collect updated cell phone numbers to allow for text message reminders, discuss the time frame in the case management order, and provide the

completed case management order that includes program information/contact information, deadlines, and future court dates. Next, proceed with the dialogue below.]

8. There is a free settlement conference program offered by the state that can assist in discussing possible resolutions to this case. If you both agree to participate in this service, then this case can be rescheduled to allow participation in the conference. The case management order will have your court dates listed and having your cell phone number in the court file can allow for text message reminders of these dates.

[Ask if the parties have participated in the settlement conference program. If so, then proceed to item 9 below. If not, ask each party if they agree to participate in the settlement conference program. If both agree to the program, collect updated cell phone numbers to allow for text message reminders, discuss the time frame in the case management order, and provide the completed case management order that includes program information/contact information, deadlines, and future court dates.]

[If either decline to participate in the above programs, continue with item 9 below and proceed with the case as you would normally.]

9. If you are not represented by an attorney and would like legal assistance, please contact one of the following resources for help: (insert local list).

Pre-eviction Diversion Program Case Management Order

The parties have voluntarily agreed to participate in the Pre-eviction Diversion Program.

As a part of the Pre-eviction Diversion Program, this case will be confidential until: (1) the court finds, after a hearing, a violation of the agreement has occurred by the tenant, or (2) the court determines at a status conference or hearing that the tenant is no longer actively meeting this case management order.

If at any status conference or after a motion on a violation and hearing, the court determines the tenant is no longer actively meeting these case management steps outlined below, the court shall convert the next scheduled status conference to the hearing on the claim(s).

The parties are now ordered to appear as directed by the court on the dates provided below and complete the following steps:

- 1) The first status conference is set for (insert date and time 30 days out). Before this status conference, the parties must complete the following checked items:
 - Complete the application for the emergency rental assistance. Visit courts.in.gov/housing to locate the program and begin the on-line application. Both the landlord and tenant are required to provide information on the application.
 - Provide the emergency rental assistance program with your court case number so they know your case is pending with the court.
 - Be sure to respond to requests for additional information from the emergency rental assistance program staff so the application can be completed on time.
 - Landlords and tenants should continue to communicate in working through this emergency rental assistance program.
 - Tenants should make best efforts to make timely partial payments while awaiting assistance to pay rent. Both landlords and tenants should document partial payments received. The acceptance of partial payments will not be considered a waiver of claims by the court.
 - Bring any copies of the emails you receive from the emergency rental assistance program with you to the status conference listed above.

These emails will help confirm your status with the program and compliance with this Order.

- Register for a settlement conference on-line at: courts.in.gov/housing and participate in the settlement conference. By agreeing to participate, you will need to reply to any communication from program staff and the facilitator and appear for the scheduled conference.
 - If you reach an agreement, please file a diversion agreement with the court. Filing an agreement will remove your case from the hearing schedule. A sample agreement is attached to this Order.
 - If a violation of the agreement occurs, a party may file a motion in this case requesting a court hearing on the violation. The case may no longer be considered confidential after the conclusion of that hearing if the court has found a violation occurred by the tenant.

2) The second status conference is set for (insert date and time 60 days out). Before this status conference, the parties must complete the following checked items:

- Continue to provide information as requested by the emergency rental assistance program so the application can be completed on time.
 - Bring any copies of the emails you receive from the emergency rental assistance program with you to the status conference listed above. These emails will help confirm your application status with the program and compliance with this Order.

3) The hearing on the claim(s) is scheduled for (insert date and time 90 days out).

(insert signature block)

Sample Pre-eviction Diversion Agreement

STATE OF INDIANA)		_____ COURT
) SS:		
COUNTY OF _____)	CAUSE NO. _____	
)		
Plaintiff,)		
)		
vs.)		
)		
Defendant.)		

PRE-EVICTION DIVERSION PROGRAM

DIVERSION AGREEMENT

The above Plaintiff ("Landlord/Owner") and Defendant ("Tenant") enter into the following agreement to permit the Tenant to repay past due rent.

The Tenant acknowledges, understands, and consents to each of the following statements (please initial each):

_____ I have an absolute right to a hearing in front of the Court; to receive and review all evidence; and to question witnesses.

_____ The Landlord/Owner has the burden/responsibility of proving the case against me. I have the right to dispute liability, the amount of the claim, the amount of attorney's fees, interest, or any other claims made in this case against me.

_____ If I go to trial and disagree with the Court's decision, I will have 30 days from the judgment date to appeal the Court's decision to the Indiana Court of Appeals. However, by signing this Diversion Agreement, I waive my appeal rights, and waive the right to pursue any defenses or counter-claims I may have against the Landlord/Owner involving matters addressed within this agreement.

_____ If the Diversion Agreement provides for an "Agreed Judgment", information about the judgment will likely become a part of my credit/rental history. Accordingly, prior to signing the Diversion Agreement I have a right to present any questions to the Court.

_____ I understand and agree that I am: 1) waiving my right to present my case to the Court; 2) under no pressure to enter into the Diversion Agreement; 3) signing the Diversion Agreement as my free and voluntary act; and 4) required to provide the Court with written notice of any changes in my address to facilitate service of future pleadings, notices and orders.

Terms of the Diversion Agreement:

The Tenant and Landlord/Owner agree that the past due amount to be repaid consists of:

- ☐ rent: \$ _____,
- ☐ late fees: \$ _____,
- ☐ other penalties: \$ _____, and
Please provide description of other penalties: _____
- ☐ other: \$ _____
Please provide description: _____

for a total of \$ _____.

Tenant agrees to pay \$ _____ MONTHLY / WEEKLY or BI-WEEKLY (circle one) beginning on _____, 20__, until the above total is paid in full. Payments from a rental assistance program approved for this Tenant will also be submitted toward the above amounts and reduce the amount owed by the Tenant. Acceptance of partial payments will not prevent an order on the claim(s) by the Court if the Court finds a violation of this agreement after a hearing.

Tenant further agrees to remain current on rent due pursuant to the lease terms and may be liable for additional money damages if additional rent is owed or there is damage to the property.

In addition, Landlord/Owner agrees not to proceed with a claim for possession of Tenant's rental property based on the past due amount above unless: (1) Tenant defaults on the Diversion Agreement, and (2) Landlord/Owner has provided Tenant with ____ days notice to bring payments current under the Diversion Agreement and the tenant fails to do so. Notice is to be provided to Tenant by:

- ☐ regular mail at _____

☐ email at _____.

Tenant may tender payments under this Diversion Agreement in the following way(s):

If there is a failure to comply with this agreement, a party may file a motion with the Court for a hearing on the violation of the agreement. If, after a hearing, the Court finds a violation occurred by the tenant, then this case will no longer be considered confidential, and the Court can proceed with entering a judgment on the claim(s) as supported by the evidence.

This agreement does not preclude Tenant or Landlord/Owner from bringing other issues to court not addressed by this agreement.

I understand that future modifications must be agreed to by both parties in writing, signed, and dated to be enforceable. Agreed modifications do not need to be filed with the Court unless there is a dispute.

Tenant and Landlord/Owner enter into this agreement freely and voluntarily, under his/her/their own will and volition.

Tenant

Landlord/Owner

Printed Name

Printed Name

Date

Date

Sample Pre-eviction Diversion Agreement Violation Order

STATE OF INDIANA) _____ COURT
) SS:
COUNTY OF _____) CAUSE NO. _____
)
Plaintiff,)
)
vs.)
)
Defendant.)

PRE-EVICTION DIVERSION PROGRAM

[ORDER] [JUDGMENT] ON VIOLATION OF DIVERSION AGREEMENT

The Plaintiff has filed a motion for hearing on a violation of the Pre-eviction Diversion Program Agreement. The Court, after hearing on this motion finds that:

1. The parties filed the Diversion Agreement with the Court on (insert date).
2. The Defendant violated the Diversion Agreement by (insert facts).

The Court now orders:

1. The Plaintiff is granted an order of possession for the property.
2. The Defendant is ordered to move out of the property no later than (insert date).
3. *[Option if proceeding with damages hearing after notice to parties]*

☐ The Defendant is ordered to pay the following amounts, which remain owed to the Plaintiff:

- ☐ rent: \$ _____,
- ☐ late fees: \$ _____,
- ☐ other penalties: \$ _____, and

Please provide description of other penalties:

- Other damages (examples include, but are not limited to repairs, utilities, etc.):
- \$

Please provide description: _____ for a total of
\$_____.

- ☐ Prejudgment interest: \$ _____
- ☐ Court Costs: \$ _____
- ☐ Attorney's fees: \$ _____

The court now enters judgment for the plaintiff in the sum of \$ _____, and finds that there is no just reason for delay, and in writing expressly directs entry of judgment.

[Option if proceeding with possession only, setting hearing on damages]

The court schedules the hearing to determine damages on:
_____, at _____ .m. at which time the parties are
ordered to be present.

4. As a result of the finding of a violation of the Diversion Agreement by the tenant, this case is no longer considered confidential and will be available via public access.

(insert signature block)

Pre-eviction Diversion Program Cheat Sheet

General Information

Eligible cases: All residential eviction cases (filing can be under SC, PL, or EV case types) involving a claim for non-payment of rent can participate in seeking emergency rental assistance. All residential eviction cases are eligible to participate in the settlement conference program.

1. Judicial Officers will advise parties of the availability of a Pre-eviction Diversion Program and ask the parties if they would like to participate. This advisement can be noted on the CCS by adding the event **“Eviction Diversion Advisement Given” – EVDAG** to the case.

Program Advisements: Courts in eligible cases shall advise the parties on the record of the following:

- The availability of the emergency rental assistance funding program, the emergency rental assistance provider for their community, and the benefits of participating in the emergency rental assistance program.
- The availability of the free settlement conference program.
- The availability for legal help/assistance (i.e., [Indiana Legal Services](#), [Indiana Legal Help](#), other local legal service agencies, pro bono resources, etc.).

Courts shall also *inquire* if the parties have:

- sought emergency rental assistance and the status of the application
- participated in a settlement conference program

Entering the Program

2. The program is voluntary for the parties to participate in after the advisements. If the parties agree to participate in the program, the following event should be added to the Events Tab of the case: **“Case Part of Eviction Diversion Program” – CPEVDP.**
3. The hearing on the claim(s) shall be continued for 90 days. Schedule or reschedule a **hearing** on the Hearings Tab on the claim for the date chosen by the Judicial Officer. (i.e. **Eviction Hearing – HEV** should be set 90 days out)

4. The court will set a status conference at 30 days and 60 days to monitor parties' progress. **"Status Conference" – HSTC** should be added on the hearings tab for these hearings.
5. **At the time the case** enters the Pre-eviction Diversion Program, the case is made **Confidential** on the Details Tab under the Security drop down.

☆ SUMMARY **DETAIL** PARTIES EVENTS SERVICE HEARINGS CONDITIONS CAUSES ▶

45D09-2110-EV-000921

Mickey Mouse v. Donald Duck
Type EV - Evictions (Small Claims Docket)

Style [Mickey Mouse]
v.
[Donald Duck]
☒ Auto Style

Case Assignment Reassign

Case Number	45D09-2110-EV-000921
Court	Lake Superior Court, County Division 3
Date Assigned	10/07/2021
Judicial Officer	Cantrell, Julie N

Print Label

Case Type EV - Evictions (Small Claims Docket)

Subtype

File Date 10/07/2021

Security **Confidential**

Case Files

Clerk New Filing

- **Please Note:** Making the case confidential will take the case off mycase.in.gov and from the public court calendar. The parties will no longer be able to access the case on public access, so they will need to have notice of their hearing dates.
- Judicial Officers shall collect email address and cell phone numbers for all parties on cases entering the Pre-eviction Diversion Program. Enter this email address and cell phone number information on the **party record** for the case.
 - Enter the cell phone number by choosing the "Cell" radio button in the "Add Phone Number" box. This ensures parties will get a text message for their upcoming hearings.

Add Phone Number

☐ Home ☐ Work ☒ Cell ☐ Fax

Phone Number 123-784-9875 Extension

Start End

☒ Current Known Phone
☐ Invalid Phone
☐ Confidential Phone

Continue Exit

Violation of the Agreement

6. If the Plaintiff files that there has been a violation of the agreed entry, add the event **“Motion on Violation of Eviction Diversion Program” – MVEDP**.
7. When the judge rules on this motion, add an order event to the case for the judge’s order.
 - If the plaintiff prevails, enter a judgment on the Disposition Tab that reflects the final judgment, and the case should be made Public on the Detail Tab again.
 - If the defendant prevails, no judgment is entered on the Disposition Tab and the case will remain Confidential.

Resolution of the Case

8. If the terms of the agreement are completed successfully, the plaintiff should file for dismissal of the claim. A judgment of Dismissed should be added to the Disposition Tab and the case will remain Confidential.

Please note: the chart below will help you process cases that fall into different scenarios AFTER entering the Pre-eviction Diversion Program.

Resolution of Cases that enter the Pre-Eviction Diversion Program

Action/Filing	Order	Judgment Type	Statistical Closure	Case Status	Security
Motion to Dismiss	Order Dismissing the Case	Dismissed	Bench Disposition	Decided	Confidential
Agreement/Agreed Entry (NOT agreed judgments)	Order Approving Agreement	Leave blank	Bench Disposition	Decided	Confidential
Motion on Violation of Agreement / Agreed Entry	Order on the merits of the claim	Final Judgment Entered	Bench Disposition	Decided	Public if Landlord prevails, Confidential if Tenant prevails
Agreement/Agreed Entry for Possession Only	Prejudgment Order for Possession	N/A	N/A	Decided	Confidential
EV case with Damages only – No Possession Claim (tenant has already moved out or agreed to move out)	Court Ruling on Damages	Leave blank	Bench Disposition	Decided	Confidential
N/A	Court takes issue under advisement at any point during diversion	N/A	N/A	Pending	Confidential
No agreement reached in diversion	Court enters order on claims	Final Judgment Entered	Bench Disposition	Decided	Public

Pre-eviction Diversion Program Party Information Sheet

Party Information Sheet

As a participant in the Pre-eviction Diversion Program, this court case will be marked as confidential, which means this case will not be available on mycase.in.gov. The court can text you a reminder in advance of your next court date.

Please complete the information below so the court can send you these reminders and update your contact information with the court.

Full Name: _____

Mailing Address: _____

Cell Phone Number: _____ (for court reminder program)

Additional Phone Number: _____ Check type: ☐ home ☐ work

E-mail address: (print neatly one letter or symbol per box)

@																			

In providing an email address, all notices from the court will go to your E-mail address instead of your mailing address. Be sure to check your e-mail often.

Signature: _____

Date: _____